

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-mj- 166

Scott J. Barnes

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of December 7, 2023, in the County of Erie, in the Western District of New York, the defendant did unlawfully possess a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Thomas V. Weis

Complainant's signature

THOMAS V. WEIS
SPECIAL AGENT

Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: December 7, 2023

H. Kenneth Schroeder, Jr.

Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **THOMAS WEIS**, being duly sworn, depose and state:

AGENT BACKGROUND AND INTRODUCTION

I, **Thomas V. Weis**, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, having been duly sworn, states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), United States Department of Justice. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I have served as an FBI Special Agent since March of 2017. During that time, I have participated in investigations involving drug trafficking and organized crime matters. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated obstruction of justice matters and drug trafficking networks, with regard to the manner in which controlled substances are obtained, diluted, packaged, distributed, sold and used within the framework of drug trafficking in the Western District of New York. As a result of my experience, I am familiar with how controlled substances are obtained, diluted, packaged,

distributed, sold, and used in the framework of drug trafficking in the Western District of New York and how drug traffickers utilize wire communications to facilitate their illegal activities. Further, I am familiar with how individuals utilize wire communications to facilitate the sharing of information, including Law Enforcement activity and/or potential investigations into illegal activities. My investigative experience detailed herein, and the experiences of other law enforcement agents, who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation, discussions with other agents of the FBI, HSI, and other law enforcement officials, interviews of witnesses, and my review of relevant records and reports. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by an FBI agent, law enforcement officer, or witness who had either direct or hearsay knowledge of that statement, to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among statements made by others and are stated in substance and in part unless otherwise indicated. Any interpretations or opinions rendered in this affidavit are based on my training and experience, and upon my consultation with other experienced investigators, in the context of the facts of this investigation.

4. I have set forth only the facts that I believe are necessary to establish probable cause that:

- a. **SCOTT J. BARNES** (“**BARNES**”) has committed violations of Title 18, United States Code, 922(g)(1) (felon in possession).

5. This affidavit is provided for the limited purpose of establishing probable cause to support the attached complaint and therefore does not contain each and every detail of the investigation.

PROBABLE CAUSE

6. On December 5, 2023, the FBI obtained a federal search warrant (the “Warrant”) authorizing the search of 425/421/417 Northumberland Avenue, Buffalo, NY 14215 (the “Outlaws MC Clubhouse”), which is maintained by the Outlaws Motorcycle Club, an international criminal organization and the dominant 1% biker club in the region. The Outlaws MC Clubhouse has been active in Buffalo for decades and it is a location where there have been numerous reports of drug use and distribution over a period of years. The Outlaws MC are also involved in the possession of firearms in the context of the criminal activity in which they are involved.

7. In executing the Warrant on December 7, 2023, FBI agents discovered, among other evidence of criminal activity, evidence that **BARNES** unlawfully possessed a firearm in violation of 18 U.S.C. § 922(g)(1).

8. FBI surveillance established that **BARNES** has been residing within the Outlaws MC Clubhouse since at least November 6, 2023, when the FBI began surveilling the Outlaws MC Clubhouse. FBI agents observed **BARNES**’ vehicle, a 2017 Dodge Charger bearing New York license plate KZU6871, daily at the Outlaws MC Clubhouse. During the

search, FBI agents learned that **BARNES** was sleeping at the Clubhouse and discovered **BARNES'** personal effects, including clothing and his cell phone.

9. In close proximity to where **BARNES'** had been sleeping and near where his cell phone was located, FBI agents found in plain view a loaded Glock 17 pistol.

10. On December 7, 2023, Special Agent William Farnham, a certified Firearms Interstate Nexus Expert with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), was consulted and provided an interstate nexus determination of the above-mentioned firearm, found at the Outlaws MC Clubhouse. SA Farnham determined, based upon his personal knowledge, experience, and research, that the above-mentioned firearms were manufactured outside of the State of New York and would have traveled in and affected interstate commerce prior to their recovery in the State of New York.

11. **BARNES**, notably, is a convicted felon and, therefore, cannot lawfully possess firearms. Specifically, on October 20, 1991, **BARNES** was found guilty in a General Court Martial of wrongful possession, distribution, and use of LSD, for which he was sentenced to four years confinement.

12. Based on my training and experience, I know that individuals who possess firearms, and especially pistols, keep their firearms close by. Indeed, the firearm's close proximity to **BARNES'** bed, cell phone, and other effects establishes probable cause to believe

that **BARNES** committed violations of Title 18, United States Code, 922(g)(1) (felon in possession).

CONCLUSION

WHEREFORE, based upon the foregoing, I respectfully submit that there is probable cause to believe that **SCOTT BARNES** have committed violations of the Enumerated Offense.

Thomas V. Weis

THOMAS V. WEIS
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed telephonically
this 7th day of December, 2023.

H. Kenneth Schroeder, Jr.

HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge